

EXHIBIT 179

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

-----x
In re: Chapter 11
Case No. 20-11558
(KBO)

24 HOUR FITNESS WORLDWIDE,
INC., et al.,

Debtors.

-----x
24 HOUR FITNESS WORLDWIDE, INC.,

Plaintiff,

v. Adv. Pro. No.
20-51051 (KBO)

CONTINENTAL CASUALTY COMPANY;
ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY; STARR SURPLUS
LINES INSURANCE COMPANY; ALLIANZ
GLOBAL RISKS US INSURANCE COMPANY;
LIBERTY MUTUAL INSURANCE COMPANY;
BEAZLEY-LLOYD'S SYNDICATES 2623/623;
ALLIED WORLD NATIONAL ASSURANCE
COMPANY; QBE SPECIALTY INSURANCE
COMPANY and GENERAL SECURITY
INDEMNITY COMPANY OF ARIZONA,

Defendants.

-----x

DATE: April 27, 2022

TIME: 11:32 a.m.

Video-recorded Deposition of MATTHEW
PIRO, on behalf of 24 Hour Fitness
Worldwide, Inc., taken by counsel for
defendant, held via Zoom videoconference,
before Roberta Caiola, a Notary Public of
the State of New York.

<p style="text-align: right;">Page 2</p> <p>1 REMOTE APPEARANCES:</p> <p>2</p> <p>3 REED SMITH LLP</p> <p>4 Attorneys for Plaintiff</p> <p>5 101 Second Street</p> <p>6 Suite 1800</p> <p>7 San Francisco, California 94105</p> <p>8 (415) 659-4787</p> <p>9 BY: T. CONNOR O'CARROLL, ESQ.</p> <p>10 cocarroll@reedsmith.com</p> <p>11</p> <p>12 DLA PIPER LLP (US)</p> <p>13 Attorneys for Defendant Continental</p> <p>14 Casualty Company</p> <p>15 1201 North Market Street</p> <p>16 Suite 2100</p> <p>17 Wilmington, Delaware 19801-1147</p> <p>18 (302) 468-5700</p> <p>19 BY: MATTHEW P. DENN, ESQ.</p> <p>20 MATTHEW S. SARNA, ESQ.</p> <p>21 matthew.denn@us.dlapiper.com</p> <p>22 matthew.sarna@us.dlapiper.com</p> <p>23 - and -</p> <p>24</p> <p>25 DLA PIPER LLP (US)</p> <p>6225 Smith Avenue</p> <p>Baltimore, Maryland 21209-3600</p> <p>(410) 580-3000</p> <p>BY: BRETT INGERMAN, ESQ.</p> <p>brett.ingerman@us.dlapiper.com</p> <p>- and -</p> <p>PAUL, WEISS, RIFKIND, WHARTON</p> <p>& GARRISON LLP</p> <p>Attorneys for Defendant Continental</p> <p>Casualty Company</p> <p>1285 Avenue of the Americas</p> <p>New York New York 10019</p> <p>(212) 373-3000</p> <p>BY: JACQUELINE MATYSZCZYK, ESQ.</p> <p>jmatyszczyk@paulweiss.com</p>	<p style="text-align: right;">Page 4</p> <p>1 REMOTE APPEARANCES (CONT'D):</p> <p>2</p> <p>3 ROBINSON & COLE LLP</p> <p>4 Attorneys for Defendant Liberty Mutual</p> <p>5 Fire Insurance Company</p> <p>6 777 Brickell Avenue</p> <p>7 Suite 680</p> <p>8 Miami, Florida 33131</p> <p>9 (786) 725-4119</p> <p>10 BY: JOEL L. McNABNEY, ESQ.</p> <p>11 jmcnabney@rc.com</p> <p>12</p> <p>13 Also Present:</p> <p>14 MIGUEL EVANGELISTA, The Videographer</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 REMOTE APPEARANCES (CONT'D):</p> <p>2</p> <p>3 ZELLE LLP</p> <p>4 Attorneys for Defendant QBE Specialty</p> <p>5 Insurance Company and General Security</p> <p>6 Indemnity Company of Arizona</p> <p>7 500 Washington Avenue South</p> <p>8 Suite 4000</p> <p>9 Minneapolis, Minnesota 55415</p> <p>10 (612) 359-4261</p> <p>11 BY: ELIZABETH KNIFFEN, ESQ.</p> <p>12 EKniffen@zelle.com</p> <p>13</p> <p>14 MOUND COTTON WOLLAN & GREENGRASS LLP</p> <p>15 Attorneys for Defendant Allied World</p> <p>16 National Assurance Company</p> <p>17 3 Greenway Plaza, Suite 1300</p> <p>18 Houston, Texas 77046</p> <p>19 (281) 572-8353</p> <p>20 BY: ANDREA A. ORTIZ, ESQ.</p> <p>21 aortiz@moundcotton.com</p> <p>22</p> <p>23 OTTERBOURG P.C.</p> <p>24 Attorneys for Defendant Allied World</p> <p>25 National Assurance Company</p> <p>230 Park Avenue</p> <p>New York, New York 10169</p> <p>(212) 661-9100</p> <p>BY: RICHARD G. HADDAD, ESQ.</p> <p>rhaddad@otterbourg.com</p> <p>ANDREW S. HALPERN, ESQ.</p> <p>ahalpern@otterbourg.com</p> <p>CLYDE & CO US LLP</p> <p>Attorneys for Defendant Allianz Global</p> <p>Risks US Insurance Company</p> <p>271 17th Street NW</p> <p>Suite 1720</p> <p>Atlanta, Georgia 30363</p> <p>(404) 410-3184</p> <p>BY: MARLIE McDONNELL, ESQ.</p> <p>marlie.mcdonnell@clydeco.us</p>	<p style="text-align: right;">Page 5</p> <p>1 Matthew Piro</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 morning. We are on the record at</p> <p>4 8:32 a.m. on April 27, 2022.</p> <p>5 Please note that recording will</p> <p>6 continue to take place until all</p> <p>7 parties agree to go off the record.</p> <p>8 This is the video deposition of</p> <p>9 Matthew Piro in the matter of 24 Hour</p> <p>10 Fitness Worldwide, Incorporated</p> <p>11 versus Continental Casualty Company,</p> <p>12 Case Number 20-11558.</p> <p>13 This proceeding is being taken</p> <p>14 remotely via Zoom video.</p> <p>15 My name is Miguel Evangelista,</p> <p>16 I am the videographer. The court</p> <p>17 reporter is Roberta Caiola. We are</p> <p>18 here from U.S. Legal Support located</p> <p>19 at 1818 Market Street, Suite 1400,</p> <p>20 Philadelphia, Pennsylvania 19103. I</p> <p>21 am not related to any party nor am I</p> <p>22 financially interested in the</p> <p>23 outcome.</p> <p>24 Will the court reporter please</p> <p>25 swear in the witness.</p>

<p style="text-align: right;">Page 6</p> <p>1 Matthew Piro</p> <p>2 THE COURT REPORTER: The</p> <p>3 attorneys participating in this</p> <p>4 deposition acknowledge that I am not</p> <p>5 physically present in the deposition</p> <p>6 room and that I will be reporting</p> <p>7 this deposition remotely.</p> <p>8 They further acknowledge that</p> <p>9 in lieu of an oath administered in</p> <p>10 person, I will place the witness</p> <p>11 under penalty of perjury. The</p> <p>12 parties and their counsel consent to</p> <p>13 this arrangement and waive any</p> <p>14 objections to this manner of</p> <p>15 reporting.</p> <p>16 Please indicate your agreement</p> <p>17 by stating your name and your</p> <p>18 agreement on the record.</p> <p>19 MR. DENN: Matt Denn from DLA</p> <p>20 Piper agrees.</p> <p>21 MR. O'CARROLL: This is Connor</p> <p>22 O'Carroll on behalf of plaintiff. We</p> <p>23 agree as well.</p> <p>24 MATTHEW PIRO, called as a witness herein,</p> <p>25 having been first duly sworn, is examined</p>	<p style="text-align: right;">Page 8</p> <p>1 Matthew Piro</p> <p>2 at any point today you want to take a</p> <p>3 break, please just let me know that and</p> <p>4 obviously we would be happy to do that for</p> <p>5 you.</p> <p>6 As you know, we're doing this</p> <p>7 deposition remotely and these remote</p> <p>8 depositions can be a little bit challenging</p> <p>9 if people are talking at the same time</p> <p>10 because the court reporter is not in the</p> <p>11 same room, so please just make sure that</p> <p>12 you let me finish whatever question I'm</p> <p>13 asking you before you try to answer it so</p> <p>14 we're not talking over each other and I</p> <p>15 will try to do the same. I will try not to</p> <p>16 talk while you're talking, and if there</p> <p>17 ever is a point where you feel like you</p> <p>18 haven't had a chance to answer a question,</p> <p>19 please just let me know that so we can make</p> <p>20 sure that you have an opportunity to answer</p> <p>21 any question as fully as you want to.</p> <p>22 You know Mr. O'Carroll, your</p> <p>23 attorney, and he may make some objections</p> <p>24 to the form of the questions that I ask.</p> <p>25 Unless he specifically tells you not to</p>
<p style="text-align: right;">Page 7</p> <p>1 Matthew Piro</p> <p>2 and testifies as follows:</p> <p>3 EXAMINATION BY</p> <p>4 MR. DENN:</p> <p>5 Q. Good morning, Mr. Piro. How</p> <p>6 are you this morning?</p> <p>7 A. Good, thank you.</p> <p>8 Q. My name is Matt Denn, part of</p> <p>9 the fraternity of Matts, and I am with the</p> <p>10 DLA Piper law firm. We represent</p> <p>11 Continental Casualty and I'm going to be</p> <p>12 taking your deposition today. You were</p> <p>13 just sworn in by the court reporter, so</p> <p>14 you're aware that you're testifying under</p> <p>15 oath today just as you would be if you were</p> <p>16 testifying in court?</p> <p>17 A. I am.</p> <p>18 Q. Great. Just a few sort of</p> <p>19 preliminaries. I'm going to be asking you</p> <p>20 a series of questions and if you don't</p> <p>21 understand a question that I've asked you,</p> <p>22 please just ask me to clarify the question</p> <p>23 and I would be happy to do that for you.</p> <p>24 If you answer a question, then of course</p> <p>25 we'll assume that you've understood it. If</p>	<p style="text-align: right;">Page 9</p> <p>1 Matthew Piro</p> <p>2 answer a question, then you can go ahead</p> <p>3 and answer the question after he makes</p> <p>4 whatever objection that he has to make.</p> <p>5 You have a set of documents</p> <p>6 with you that we sent to your attorneys</p> <p>7 last night; correct?</p> <p>8 A. I do. I have them printed in</p> <p>9 front of me and I also have them on my</p> <p>10 computer, if that's okay to review when we</p> <p>11 may need to review ones that are pretty</p> <p>12 hard to read in printed form.</p> <p>13 Q. Sure. And we sent them over</p> <p>14 identified by letter, so A, B, C. I'm</p> <p>15 probably not going to use them exactly in</p> <p>16 the order that they were sent. So at</p> <p>17 various times during the deposition I will</p> <p>18 just ask you to take out an exhibit with a</p> <p>19 particular letter and then we'll just ask</p> <p>20 the court reporter to mark it with a</p> <p>21 number, just to make sure that we're all</p> <p>22 looking at the same exhibit.</p> <p>23 Most of the documents also have</p> <p>24 a number at the bottom of them that were</p> <p>25 stamped by your attorneys, so for those</p>

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1 A. No, I would not say that that's
2 the most that we would do. We had other
3 procedures, I don't recall all of them off
4 the top of my head, but in addition to
5 doing a deep cleaning we would close the
6 club and I believe we notified all of the
7 team members of a confirmed case so that
8 they could be aware, and I'm not sure when
9 we started the process, but I believe we
10 also had a process by which we were working
11 to notify the member population who used
12 the club at the time that there was a
13 confirmed case.

14 So there were several things
15 that we were doing to try to, when we had a
16 confirmed case, make sure even just from
17 a -- you know, from the standpoint of
18 making sure that, like, as a business if
19 we're aware of a confirmed case that it was
20 clear in those instances, since the
21 confirmed case had been reported to us,
22 that we were reacting appropriately and
23 doing everything that we could.

24 Q. So the company believed that
25

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1 the virus was likely in all of its
2 facilities, but it only took those extra
3 steps if a customer or employee took the
4 initiative to inform the company that they
5 had tested positive?

6 MR. O'CARROLL: Objection to
7 form.

8 A. During that period of time we
9 were -- we were certainly very concerned
10 that COVID-19 was present in all of our
11 clubs because of the information that was
12 related to how contagious it was, and
13 because our typical club has anywhere
14 between, you know, 500 and 2,000, 2,500
15 people that walk through its doors on any
16 given day, so yes, we were very concerned
17 with that many people coming into our club
18 at any given day and how fast the virus
19 seemed to be spreading, that it was very
20 likely in all of our clubs.

21 However, given the fact that we
22 didn't even precisely know what to do about
23 it because there wasn't clarity on what
24 businesses should do, we did what we
25

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1 thought was best and probably was frankly
2 a -- well, we did what we thought was best
3 when we had a confirmed exposure, because
4 we felt very clearly that we had a high
5 level of responsibility to go above and
6 beyond when there was an instance that we
7 had a confirmed exposure reported.

8 Q. In terms of protecting the
9 health and safety of members, what was the
10 difference between a confirmed exposure and
11 what I think you referred to as the concern
12 that the virus was likely present in all of
13 the clubs, what prompted the heightened
14 response to a confirmed exposure?

15 MR. O'CARROLL: Objection to
16 form.

17 A. You finished your question with
18 what prompted the response, which I think I
19 just answered. Can you articulate your
20 question again, what you're specifically
21 asking?

22 Q. Sure. Why was there a
23 different response with a confirmed
24 exposure in comparison to all other clubs
25

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Matthew Piro

1 where you've testified that there was a
2 concern that the virus was likely present?

3 MR. O'CARROLL: Objection.
4 Go ahead.

5 A. I would say a couple of
6 reasons. One, we didn't know, frankly,
7 what to do other than just do our best and
8 try to clean up high-touch areas as much as
9 possible in all of our clubs, as was
10 generally the common practice of most
11 businesses. We were doing more I would say
12 than many businesses because of how much we
13 were being targeted by health departments,
14 as just the fitness industry and gyms.

15 However, we felt that there
16 was, you know, greater risk, frankly, to
17 the organization to show we were doing --
18 taking it very, very seriously when we had
19 a confirmed positive because, number one,
20 we knew then 100 percent with certainty,
21 and it wasn't just a grave concern, but
22 there was clear evidence that there was
23 COVID-19 present in a club, and we were
24 concerned also from the risk standpoint of
25

<p style="text-align: right;">Page 254</p> <p>Matthew Piro</p> <p>Q. Would it be accurate to say that in those areas where clubs were reopened in June of 2020, that case counts were higher than they had been when the clubs were closed in March of 2020?</p> <p>MR. O'CARROLL: Objection to form.</p> <p>A. I would have to consult case count-related data. I don't have any reason to disagree with that, but I don't know off the top of my head what case count was specifically in March versus what it was in June.</p> <p>MR. DENN: Those are all the questions that I have; thank you very much for your patience.</p> <p>MR. O'CARROLL: Are we okay to go off the record and conclude the deposition? I don't have any questions; we'll reserve all our questions.</p> <p>Miguel, I think we're finished.</p> <p>THE VIDEOGRAPHER: Okay. This concludes today's deposition of</p>	<p style="text-align: right;">Page 256</p> <p>Matthew Piro</p> <p>C E R T I F I C A T E</p> <p>STATE OF NEW YORK)</p> <p>: ss</p> <p>COUNTY OF BRONX)</p> <p>I, ROBERTA CAIOLA, a Certified Shorthand Reporter, do hereby certify: That MATTHEW PIRO, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.</p> <p>I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.</p> <p>IN WITNESS WHEREOF, I have hereunto set my hand on May 5, 2022</p> <p><u>Roberta Caiola</u></p> <p>ROBERTA CAIOLA</p>																																										
<p style="text-align: right;">Page 255</p> <p>Matthew Piro</p> <p>Matthew Piro. We're going off the record at 3:31 p.m.</p> <p>(Time noted: 6:32 p.m. Eastern.)</p> <p>(Off the video record.)</p> <p>THE COURT REPORTER:</p> <p>Mr. O'Carroll, you're ordering the transcript?</p> <p>MR. O'CARROLL: Yes, we'll take a rough draft.</p> <p>MR. HADDAD: We'll take the rough draft as well.</p> <p>THE COURT REPORTER: You're ordering the transcript; correct?</p> <p>MR. HADDAD: Sure.</p> <p>_____</p> <p>MATTHEW PIRO</p> <p>Subscribed and sworn to before me this _____ day of _____ 20__.</p> <p>_____</p>	<p style="text-align: right;">Page 257</p> <p>Matthew Piro</p> <p>INDEX</p> <table border="0"> <tr> <td>EXAMINATION OF MATTHEW PIRO</td> <td>PAGE</td> </tr> <tr> <td>BY MR. DENN</td> <td>7</td> </tr> <tr> <td>PIRO</td> <td>DESCRIPTION</td> </tr> <tr> <td>Exhibit 1</td> <td>Emails Bates-stamped</td> </tr> <tr> <td></td> <td>24HF_Production_0202587 to</td> </tr> <tr> <td></td> <td>24HF_Production_0202590</td> </tr> <tr> <td>Exhibit 2</td> <td>Email Bates-stamped</td> </tr> <tr> <td></td> <td>24HF_Production_0081994</td> </tr> <tr> <td>Exhibit 3</td> <td>Email with attachment, Bates-</td> </tr> <tr> <td></td> <td>stamped 24HF_Production_0195718</td> </tr> <tr> <td>Exhibit 4</td> <td>Emails Bates-stamped</td> </tr> <tr> <td></td> <td>24HF_Production_0205006 to</td> </tr> <tr> <td></td> <td>24HF_Production_0205009</td> </tr> <tr> <td>Exhibit 5</td> <td>Emails Bates-stamped</td> </tr> <tr> <td></td> <td>24HF_Production_0194800</td> </tr> <tr> <td>Exhibit 6</td> <td>Emails Bates-stamped</td> </tr> <tr> <td></td> <td>24HF_Production_0215237 to</td> </tr> <tr> <td></td> <td>24HF_Production_0215240</td> </tr> <tr> <td>Exhibit 7</td> <td>Emails Bates-stamped</td> </tr> <tr> <td></td> <td>24HF_Production_0203985 to</td> </tr> <tr> <td></td> <td>24HF_Production_0203988</td> </tr> </table>	EXAMINATION OF MATTHEW PIRO	PAGE	BY MR. DENN	7	PIRO	DESCRIPTION	Exhibit 1	Emails Bates-stamped		24HF_Production_0202587 to		24HF_Production_0202590	Exhibit 2	Email Bates-stamped		24HF_Production_0081994	Exhibit 3	Email with attachment, Bates-		stamped 24HF_Production_0195718	Exhibit 4	Emails Bates-stamped		24HF_Production_0205006 to		24HF_Production_0205009	Exhibit 5	Emails Bates-stamped		24HF_Production_0194800	Exhibit 6	Emails Bates-stamped		24HF_Production_0215237 to		24HF_Production_0215240	Exhibit 7	Emails Bates-stamped		24HF_Production_0203985 to		24HF_Production_0203988
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